

SUMMARY: EPA is promulgating a final rule that establishes discontinued uses of asbestos as significant new uses of section 5(a)(2) of the Toxic Substances Control Act (TSCA). Under TSCA section 5(a), no person may manufacture (including import) or process any chemical substance for a use which the Agency has determined is a significant new use unless that person submits notice to the Agency (i.e., a significant new use notice, or SNUN) at least 90 days before such manufacture or processing) addressing the intent to manufacture or process a chemical substance for a significant new use. The required notification initiates EPA's evaluation of the conditions of use associated with the intended use. Manufacturing (including importing) and processing (including as part of an article) for the significant new use may not commence until EPA has conducted a review of the notice, made an appropriate determination as to whether the available information is sufficient to permit the Agency to make a reasoned evaluation health and environmental effects of the relevant chemical substance or significant new use and whether intended significant new use presents an unreasonable risk of injury to health or environment, and taken any other required regulatory actions under TSCA section 5 (to potentially include a full prohibition). As a result of this significant new use rule (SNUR), TSCA section 5 prohibits asbestos from re-entering commerce for the discontinued uses without prior EPA review, evaluation, and regulatory action as needed to prevent unreasonable risks of injury to health or the environment, thereby closing a current loophole in the regulatory regime for asbestos. All prior asbestos prohibitions are unchanged by this action. This SNUR does not provide a means by which prohibited products under the 1989 partial ban of asbestos under TSCA section 6 could return to the marketplace.